IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 5TH FEBRUARY 2007 / 16TH MAGHA 1928

WP(C).No. 34397 of 2006(T)

PETITIONER:

VARGHESE, S/O.ITTIYACHAN, KALLILAN (H),
THAVALAPPARA, ANAPPARA P.O., MANJAPRA.

BY ADV. SRI.LEGY ABRAHAM
SRI.JOSWIN THAMBI KUNNATH

RESPONDENTS:
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1. **THE ASSISTANT ENGINEER,**
   ELECTRICAL SECTION, K.S.E.B., MANJAPRA.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL SUB- DIVISION, K.S.E.B., KALADY.

3. **THE EXECUIVE ENGINEER,**
   ELECTRICAL DIVISION, K.S.E.B., PERUMBAVOOR.

4. **THE MANJAPRA GRAMA PANCHAYAT**
   REPRESENTED BY THE SECRETARY.

5. **THE SECRETARY, MANJAPRA GRAMA PANCHAYAT,**
   MANJAPRA.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB for R1 to R3
SRI.GEORGE ABRAHAM for R4 &R5

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE DEMAND NOTICE DTD. 14/12/06 ISSUED BY THE 1ST RESPONDENT.**

EXT.P1(A): **COPY OF THE RECEIPT DTD. 19/12/2006 ISSUED BY THE 1ST RESPONDENT.**

EXT.P2: **COPY OF THE NOTICE OF THE 1ST RESPONDENT NO.D.B.2/06-07/ MANJAPRA/137 DTD. 18/12/2006.**

EXT.P3: **COPY OF THE CERTIFIED COPY OF OWNERSHIP CERTFICATE NO.333/2006 DTD. 23/03/06 ISSUED BY THE 4TH RESPONDENT.**

5TH RESPONDENT'S EXHIBITS:

EXT.R5(A): **COPY OF RESOLUTION TAKEN BY THE PANCHAYAT dtd. 30/08/2006.**

EXT.R5(B): **COPY OF RESOLUTION TAKEN BY THE PANCHAYAT DTD. 13/10/2006.**

EXT.R5(C): **COPY OF RESOLUTION TAKEN BY THE PANCHAYAT DTD. 12/12/2006.**

/TRUE COPY/

Kss

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 34397 OF 2006-T

JUDGMENT

The petitioner challenges Ext.P2 notice issued by the 1st respondent, proposing to disconnect the power supply to him and also to dismantle the same. The allegation in Ext.P2 is that the petitioner obtained the said connection, by producing a forged ownership certificate, purportedly issued by the 4th respondent Grama Panchayat. The petitioner denies the allegation. He asserts that the ownership certificate, a copy of which is produced as Ext.P3, is genuine.

2. The 5th respondent, Secretary of the Grama Panchayat has filed a counter affidavit, stating that Ext.P3 is a forged document. The Panchayat has lodged an information before the Station House Officer of Kalady Police Station, who in turn has registered a crime under Sections 466 and 471 of the I.P.C., against the writ petitioner.

3. I heard the learned standing counsel for the K.S.E.B also. Ext.P2 is only a notice. Therefore, the challenge against it need not be entertained. The 1st respondent is directed to hear the petitioner and also the 5th respondent and take a final decision in the mater in accordance with law

within one month from the date of production of a copy of this judgment. The contentions of both sides are kept open.

The Writ Petition is disposed of as above.

5th February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/